

**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 1 Employee Relations

Employee Records Policy

Effective date

Revised

Number: 1.03

January 6, 2003

February 18, 2004

The Missouri Department of Natural Resources respects its employees' right to privacy. The department will strictly limit access to personal information contained in employee official files only to those who have a clearly defined need for the information, except for that information that is considered public information and open. The Human Resources Program of the Department of Natural Resources will maintain and be responsible for the official personnel records of all current and former employees.

REFERENCES

Records open for public inspection: RSMo 36.420

Merit system employees entitled to service letter: RSMo 36.470

Family and Medical Leave Act

Americans with Disabilities Act

Related DNR Policies:

Progressive Discipline: 1.08

Sunshine Law Requests: 2.02 and 2.02-01

Hiring and Promotions (and procedures): 4.01

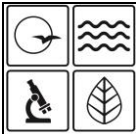
Family and Medical Leave Act: 5.03

DEFINITION

Criminal record check: A search into the documentation of a person's convictions for offenses against local, state and federal law. For the Department of Natural Resources, the minimum criminal record check is from the Missouri Highway Patrol.

Official personnel file or official file: The file maintained by the Human Resources Program that is the official record concerning employment events or actions for an employee of the department.

Reference check: A search into or documentation of a potential employee's history. A reference check may include, but is not limited to: confirmation of identity, work references, validation of driver's license, other license validation, assurance of professional certification or degree required for the position, state income tax compliance.



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GENERAL PROVISIONS

To allow an unauthorized person access to confidential information in a personnel file or to disclose such information may result in disciplinary or legal action.

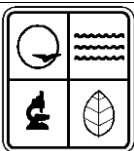
Employee's official personnel file

An employee's official personnel file may contain:

- the employee's name
- current division, program, section or unit
- date of original employment
- current position classification title
- current salary
- individual's application/Merit Application/resume
- transcripts
- letters of reference
- performance evaluations
- Position and Employee Action Requests (PEARs)
- payroll and benefits information
- training certificates
- correspondence
- reference checks
- separation information
- official documentation of disciplinary action(s)
- other information relating to an employee's work at the department

When the department hires an employee, a copy of his/her Merit Application or equivalent will be kept in the employee's official file. The hiring program provides the application to the Human Resources Program.

An employee has access to his or her official personnel file. Divisions and programs should refer requests for an employee's official file to the Human Resource Program.



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Information maintained confidentially

Criminal record review

Any information concerning the criminal record review will be retained confidentially by the Human Resources Program in a file separate from the official personnel file.

Employee's medical information

Medical information maintained in support of actions or status granted by either the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), or other medical information kept by the department is confidential. It is maintained in a file separate from the employee's official personnel file in the Human Resources Program.

Medical monitoring records

Files for routine medical monitoring of staff, as provided by individual programs, are typically maintained by the program and not considered part of the employee's official file. These files are maintained confidentially by the program and separate from other personnel records. Access to medical monitoring reports is limited to the individual and the program director. The employee must provide written permission for the release of his/her medical monitoring information to any others.

Information available to the public

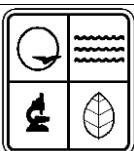
The Human Resources Program maintains the following records on department staff that is considered public information:

- name
- current division, program, section or unit
- date of original employment
- current position classification title
- current salary

This information is available for public review and duplication during regular business hours. The information may be provided by the Human Resources Program or copied; however, documents may not be removed or borrowed.

The Human Resources Program reviews requests for access to or disclosure of personnel records and releases information as provided for in this policy.

The Human Resources Program discloses public personnel record information for credit and employment verification by telephone, in writing, or in person.



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Release of records maintained by the Human Resources Program

Information in an employee's official file that is not identified specifically as public information is considered confidential and is available, upon positive proof of identity, to the following persons:

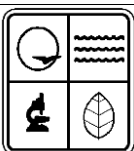
- The employee
- A properly authorized agent for the employee. An employee's authorized agent is one who has that employee's authorization including his/her written signature for access to or disclosure of a confidential personnel record. This includes both confidential information in the employee's official file and any medical information maintained by the Human Resources Program.
- A party by authority of a proper court order
- An authorized official within the department. Those authorized are the department director, deputy department director, division director or designee, the employee's supervisor and/or program director, legal counsel, Human Resources Program staff and the Employee Relations Officer.
- A party to a quasi-judicial hearing of a state agency. The file must be required evidence in the hearing.
- By subpoenas issued by a court or an agency with appropriate authority, such as the Equal Employment Opportunity Commission or the Missouri Commission on Human Rights.

The employee's official personnel file may not be removed from the Human Resources Program.

Requests for any other information from the employee's official personnel file must be accompanied by a written authorization, signed by the employee in question, that states which specific documents and to whom they are to be released.

Other personnel files

Supervisors, programs or divisions may keep files on their employees. These files may contain information that is not required by the Human Resource Program such as records for training, training approval, leave requests, or notes from employee-supervisor conferences. Information in these files is neither considered public information nor part of an employee's official personnel file. Only the employee, program/division management, the appointing authority and the Employee Relations Officer may review the information in program files. The employee may give written permission allowing access to others to these program files.



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This information is considered "discoverable" and may be accessed as a part of certain legal proceedings.

The contents of these files are confidential. Anyone housing files concerning staff should establish controls to protect information from unauthorized disclosure.

Maintaining files once an employee leaves the department

Once an employee leaves the department, his/her official file is kept three (3) years by the department and then sent to the state archives for seventy-two (72) years. This includes medical monitoring records. The program files are to be provided to the Human Resources Program within nine (9) months of an employee's transfer within the department or leaving the department. Any program file information pertinent to the employee's official file is added to the official file and all other records destroyed.

Reference information

Information contained in an employee's official personnel file that is available to the public may be provided to a prospective employer as reference information upon request.

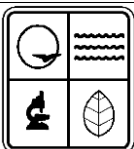
Staff may give written and verbal job references if a former or present employee requests it in writing or gives permission during a job interview. The employee should specify the areas that a reference may address. It is the responsibility of the former or present employee to provide the written permission to DNR staff to provide the reference. Attachment 1 contains a template for such permission.

During a job interview, the interview panel asks the candidate for permission to make reference checks and whom to contact. The candidate's approval to contact reference is noted on the interview plan. If the interview panel neglects to ask the candidate for permission to contact references during the interview, the candidate must be contacted for approval, and permission noted on the interview plan.

Since the State of Missouri is a single employer, information concerning documented performance and disciplinary actions contained in a current or past employee's official file, shall be given to another state department to prevent negligent hiring and retention liability regarding state employees.

Financial information verification

Requests for both financial and employment verification (i.e. for mortgages) of current or past employees should be directed to the Human Resources Program.



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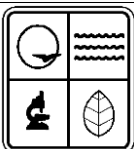
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A credit report may be requested for top candidates under consideration for sensitive, financial positions. For these circumstances, the candidate(s) are to be asked to provide a current credit report. The department will not retain any credit reports. The report will either be returned to the candidate or destroyed.

For assistance with questions or issues dealing with employee records, contact the Human Resources Program.



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**Attachment 1
Template for Release of Information for Job Reference Checks**

Date

Address

Dear *(DNR staff member's name)*:

I hereby grant permission to the Department of Natural Resources and its representatives to release information relating to my suitability for job or career opportunities.

Chose one:

The information may be related to any of my work at the department.

Or

The information may be related to the following areas of my work at the department:

(List those areas)

Signature

Date